



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,626	01/13/2005	Timo Vitikainen	855.0012.U1(US)	2021
29683 7590 01/13/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER ABEBE, DANIEL DEMELASH	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 01/13/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,626	Applicant(s) VITIKAINEN ET AL.	
	Examiner Daniel D. Abebe	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 8-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Abbott et al. (2003/0046401).

As to claim 1, Abbott teaches a method of dynamically presenting an appropriate user interface to be provided to a user operating a mobile device, the method comprising:

maintaining a profile (look up table) characteristics of available or existing voice user interface capabilities/ characteristics associated with the device (Par.0032, 0034, 1114-1121);

storing an application or a task having voice user interface features on the device or on a server in communication with the device (Par.1545);

examining/determining and selecting the voice user interface features of the application which are appropriate to the profile and refraining from using inappropriate features, wherein the selected user interface includes information to be presented to the

Art Unit: 2626

user and interaction controls that can be manipulated by the user. (Par.0037, 1290. 1472, 1545, 2042, 2120-2127, 3152, claim 42, Figs, 1, 4, 7, 11)

As to Claim 3, Abbott teaches in which the maintaining step includes maintaining information relating to any combination of vocabulary, dialogue, automatic speech recognition and text-to-speech synthesis capabilities (Par.2120-2127, 3152).

As to Claim 4, Abbott teaches in which the maintaining step includes maintaining information relating to grammar capabilities, for example whether statistical or context free (unconstrained) grammar capabilities are associated with the device (Par.2120-2127).

As to Claim 5, Abbott teaches retrieving one or more definitions for combining available user interface elements to satisfy and in a manner that is appropriate to the determined application (Claim 31).

As to Claim 6, Abbott teaches a mobile device, comprising:

A storage device for maintaining a profile of voice user interface capabilities associated with the device;

A means for examining at least part of the profile;

And an application runner arranged to run an application using voice user interface features of the application which are appropriate to the profile and to refrain from using inappropriate features (Figs. 1-12)

As to Claim 8, Abbott teaches in which the maintaining step includes maintaining information relating to any combination of vocabulary, dialogue, automatic speech recognition and text-to-speech synthesis capabilities (Par.2120-2127, 3152).

As to Claim 9, Abbott teaches in which the maintaining step includes maintaining information relating to grammar capabilities, for example whether statistical or context free (unconstrained) grammar capabilities are associated with the device (Par.2120-2127).

As to Claim 10, Abbott teaches retrieving one or more definitions for combining available user interface elements to satisfy and in a manner that is appropriate to the determined application (Claim 31).

As to Claim 11, Abbott teaches system comprising: a mobile device having voice user interface capabilities; and a server, capable of communicating with the mobile device, the server being arranged to examine at least part of a profile voice user interface capabilities associated with the mobile device, and to run an application using voice user interface features of the application which are appropriate to the profile and to refrain from using inappropriate features (Par.1019).

As to Claim 13, Abbott teaches in which the maintaining step includes maintaining information relating to any combination of vocabulary, dialogue, automatic speech recognition and text-to-speech synthesis capabilities (Par.2120-2127, 3152).

As to Claim 14, Abbott teaches in which the maintaining step includes maintaining information relating to grammar capabilities, for example whether statistical or context free (unconstrained) grammar capabilities are associated with the device (Par.2120-2127).

As to Claim 15, Abbott teaches retrieving one or more definitions for combining available user interface elements to satisfy and in a manner that is appropriate to the determined application (Claim 31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott as applied above, and further in view of Carter (6,208,336).

As to claim 16-17, Abbott teaches a method for determining the appropriate voice interface feature for an application/task using device characteristic as addressed above. Abbott however, doesn't teach the step of testing the device. Carter however teaches testing a user interface comprising maintaining a profile (command class library) of a user interface capabilities/functionalities, controlling a run time application (emulator) to emulate the interface capabilities associated with the application and running the application (abstract; Fig.2, Col.2, lines 53-60, Col.4, lines 5-15, 40, 50). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the claimed testing step in Abbott teaching, for the purpose of modifying or improving the system based on the result.

As to claim 2, 7 and 12, Carte teaches an execution unit attempting to initialize the features at run time of the application and determining which feature of the user interface were initiated successfully (Fig.4A-4C)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 10 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. the specification doesn't describe what the "definition forming part" is and/or how it is implemented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Comerford (7, 024,363), abstract, claims 1-2.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626